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10/630,472	07/30/2003	Jack E. Ozzie	M1103.70271US02	9188

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EXAMINER
SCOTT, RANDY A

ART UNIT	PAPER NUMBER
2453	

NOTIFICATION DATE	DELIVERY MODE
12/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 8/27/10.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,15-24,26-28,30-34 and 38-40* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,15-24,26-28,30-34 and 38-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *8/5/10*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communication filed 8/27/2010

Claim Status

2.   Claims 1 and 38 have currently been amended.

Claim Rejections – 35 USC 101

3.   Claims 38-40 are rejected under 35 USC 101 because the claimed invention is
directed to non-statutory subject matter. Claim 38 should recite a non-transitory computer
readable media in order to distinguish the claimed computer readable media from non
statutory subject matter, such a signals or carrier waves. The applicant could overcome
this rejection by amending the preamble to recite the term "one or more NON-
TRANSITORY computer readable media". Although the applicant did amend the claim
to state that the computer readable medium is not a transitory signal, the applicant must
state that the computer readable storage medium is non transitory altogether in the
preamble and not just state that the medium is not a transitory signal.

Claim Rejections – 35 USC 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained through the invention is not identically disclosed or described as set
forth in of this title, if the differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at the time the invention
was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-3 and 18-20 are rejected under 35 USC 103 (a) as being unpatentable

over Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900), further

in view of Churchill et al (US 2002/0073163).

Regarding claims 1 and 18, Liversidge et al disclose:

Operating each of at least two of the plurality of computers in the peer-to-peer

collaboration system (see fig. 1, which discloses a collaboration services suite),

and each designation of an endpoint of an invited member comprising: a unique endpoint

designation indicative of the respective inviting member (see sec [0111], lines 12-16,

which discloses a personal identifier for a selected member identified as an invitee).

Liversidge et al fail to teach a value indicative of the order in which the invited

member was invited by a respective inviting member to join the telespace and

order received data change messages based on endpoint designations in the

received data change messages.

Santos teaches the specified deficiencies, including a value indicative of the order

in which the invited member was invited by a respective inviting member to join the

telespace (see sec [0028], lines 1-4, which discloses listing the invitees in port order) and

ordering received data change messages based on endpoint designations in the received

data change messages (see sec [0012], lines 16-20, which discloses exchanging messages

regarding updating the status to identify the participant that is currently speaking and sec

[0026], lines 2-8, which discloses transferring port assignment information along with updated conferee data regarding a participant that has joined the conference).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al with the general concept illustrated by Santos, in order to effectively implement sequence data regarding assigned port numbers of the order in which participants join conferences with the motivation of providing the benefit of teaching an improvement upon assigning conference participant identifiers by issuing ordered data values for newly invited members.

Liversidge et al and Santos fail to teach independently assigning a unique designation to an endpoint of the member invited to join the telespace.

Churchill et al teach the specified deficiencies (see sec [0025], lines 4-10, which discloses an inviter issuing an invitee identifier identifying the user invited to the particular discussion).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Lerner et al with the general concept illustrated by Churchill et al, in order to efficiently specify user identification for invited session members with the motivation of providing the benefit of teaching an improvement upon session participant identification by adding time indication data for invited participants.

Regarding claims 2 and 19, Liversidge et al disclose a unique numeral designation to each endpoint (see sec [0064], lines 7-15, which discloses identified device information for collaboration users).

Regarding claims 3 and 20, Liversidge et al disclose a unique serial numeral designation for each endpoint wherein the serial numeral designation comprises a series of numbers including the numeral designation of the respective inviting member (see sec [0170], lines 6-10, which discloses the session ID and personal identifier for the collaboration member).

6.   Claims 4-5, and 21-22 are rejected under 35 USC 103 (a) as being unpatentable over Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900) in view of Churchill et al (US 2002/0073163), further in view of Grimm et al (US 5,828,843).

With respect to claims 4 and 21, Liversidge et al and Santos fail to teach wherein a plurality of the designations of different endpoints each indicates a chain of inviting members.

Grimm et al teach the specified deficiencies, including wherein a plurality of the designations of different endpoints each indicate a chain of inviting members (see col. 10, lines 48-56, which teaches that attributes and values are provided for links and IP addresses of users currently participating in the gaming environment before the requested user joins).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Santos with the general concept illustrated by Grimm et al, in order

to issue virtual space identifiers for sharing members with the motivation of providing the

benefit of teaching implementation of a peer to peer data sharing system.

With respect to claims 5 and 22, Liversidge et al and Santos fail to teach wherein

endpoint designations comprise a number of orders, including a first order designating a

founding member of the telespace, and at least a second order designating a member

invited to join the telespace by the founding member.

Grimm et al teach the specified deficiencies, including wherein endpoint

designations comprise a number of orders, including a first order designating a founding

member of the telespace (see col. 10, lines 59-67, which teaches that the match making

mechanism creates records and metrics for the first member of a peer to peer gaming

virtual room) and at least a second order designating a member invited to join the

telespace by the founding member (see col. 11, lines 1-3, "requests from other clients").

It would have been obvious to one of ordinary skill in the art to combine

Liversidge et al and Santos with the general concepts illustrated by Grimm et al, in order

to specify the initial member of a shared virtual space with the motivation previously

addressed.

7.   Claims 6 and 23 are rejected under 35 USC 103 (a) as being unpatentable over

Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900) in view of

Churchill et al (US 2002/0073163), further in view of Shear et al (US 6,112,181).

With respect to claims 6 and 23, Liversidge et al and Santos fail to teach

assigning, by the founding member, each of a plurality of endpoints corresponding to a

new member of the telespace invited into the telespace by the founding member a unique

designation comprising the first order digit of the founding telespace member, and a

second order digit, the second order digits of the designations of endpoints of the new

members being in a sequential order indicating the order in which the new members

joined the telespace.

Shear et al teach the specified deficiencies, including assigning, by the founding

member, each of a plurality of endpoints corresponding to a new member of the telespace

invited into the telespace by the founding member a unique designation comprising the

first order digit of the founding telespace member (see col. 52, lines 1-5, "user or group

ID field," also see col. 18, lines –11, which teaches that the method pertains to an online

gaming environment)

, and a second order digit, the second order digits of the designations of endpoints of the

new members being in a sequential order indicating the order in which the new members

joined the telespace (see col. 53, lines 57-65).

It would have been obvious to one of ordinary skill in the art to combine

Liversidge et al and Santos with the general concepts illustrated by Shear et al, in order to

sufficiently assign identification for original members of a telemeeting with the

motivation of providing the benefit of teaching regulation of a peer to peer data exchange

network.

8.   Claims 7-10, 24, and 26-27 are rejected under 35 USC 103 (a) as being

unpatentable over Liversidge et al (US 2002/0076025) in view of Santos (US

2003/0158900) in view of Churchill et al (US 2002/0073163) and Shear et al (US
6,112,181), further in view of Sharpe et al (US 5,898,834).

With respect to claims 7 and 24, Liversidge et al, Santos, and Shear et al fail to
teach inserting endpoint designations into data change requests.

Sharpe et al teach the specified deficiencies (see col. 14, lines 56-59, which
teaches a change request in relation to the client pairing with the service providing
mechanism).

It would have been obvious to one of ordinary skill in the art to combine
Liversidge et al, Santos, and Shear et al with the general concept illustrated by Sharpe et
al, in order to assign identifiers for users entering a virtual room with the motivation of
providing the benefit of teaching an improvement upon shared space data provisioning by
implementing stored data regarding changed user data information.

With respect to claim 8, Liversidge et al, Santos, and Shear et al fail to teach
using the endpoint designations in data change requests to resolve a dependency collision
between two data requests.

The general concept of using the endpoint designations in data change requests to
resolve a dependency collision between two data requests (see col. 13, lines 9-12, which
teaches a detecting a collision due to data request conflict and the resulting processed
action) is well known in the art as illustrated by Sharpe et al.

It would have been obvious to one of ordinary skill in the art to combine
Liversidge et al, Santos, and Shear et al with the general concept illustrated by Sharpe et

al, in order to sufficiently regulate a peer to peer data exchange network with the

motivation previously addressed.

With respect to claims 9 and 26, Liversidge et al, Santos, and Shear et al fail to

teach resolving a dependency collision while maintaining total ordering.

Sharpe et al teach the specified deficiencies (see col. 16, lines 42-45).

It would have been obvious to one of ordinary skill in the art to combine

Liversidge et al, Santos, and Shear et al with the general concept illustrated by Sharpe et

al, in order to efficiently order leaf nodes in a shared space with the motivation

previously addressed.

With respect to claims 10 and 27, Liversidge et al, Santos, and Shear et al fail to

teach comparing endpoint digits on an order-by-order basis; and scheduling data change

requests so that data change requests with the lowest endpoint digits in the lowest orders

are scheduled for processing first.

The general concept of comparing endpoint digits on an order-by-order basis (see

col. 16, lines 42-45); and scheduling data change requests so that data change requests

with the lowest endpoint digits in the lowest orders are scheduled for processing first (see

col. 14, lines 50-55, which teaches determining the order in which the actions are to be

implemented) is well known in the art as illustrated by Sharpe et al.

It would have been obvious to one of ordinary skill in the art to combine

Liversidge et al, Santos, and Shear et al with the general concept illustrated by Sharpe et

al, in order to sufficiently regulate a peer to peer data exchange network with the
motivation previously addressed.

9.   Claims 11-13, 28, and 30 are rejected under 35 USC 103 (a) as being unpatentable
over Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900) in view
of Churchill et al (US 2002/0073163), further in view of Sharpe et al (US 5,898,834).

        With respect to claims 11 and 28, Liversidge et al and Santos fail to teach
inserting endpoint designations into data change requests.

        Sharpe et al teach the specified deficiencies (see col. 14, lines 55-60).

        It would have been obvious to one of ordinary skill in the art to combine
Liversidge et al and Santos with the general concept illustrated by Sharpe et al, in order
to sufficiently identify change requests within a data exchange network with the
motivation of providing the benefit of teaching an improvement upon shared transmitted
data access between peer users.

        With respect to claim 12, Liversidge et al and Santos fail to teach using the
endpoint designations in data change requests to resolve a dependency collision between
two data requests.

        Sharpe et al teach the specified deficiencies (see col. 16, lines 42-45).

        It would have been obvious to one of ordinary skill in the art to combine
Liversidge et al and Santos with the general concept illustrated by Sharpe et al, in order
to sufficiently implement collision detection between shared data requests with the
motivation previously addressed.

With respect to claims 13 and 30, Liversidge et al and Santos fail to teach resolving a dependency collision while maintaining total ordering.

Sharpe et al teach the specified deficiencies (see col. 13, lines 10-12).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Santos with the general concept illustrated by Sharpe et al, in order to efficiently queue specified data for ordering purposes with the motivation previously addressed.

10.   Claims 16, and 32-33 are rejected under 35 USC 103 (a) as being unpatentable over Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900) in view of Churchill et al (US 2002/0073163), further in view of Golberg et al (US 5,823,879).

With respect to claims 15 and 32, Liversidge et al and Santos fail to teach the inviting member assigning an endpoint designation that is unique within the telespace.

Goldberg et al teach the specified deficiencies (see col. 8, lines 1-5, "unique player identification code").

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Santos with the general concept illustrated by Goldberg et al, in order to successfully implement a virtual data sharing lobby with the motivation of providing the benefit of teaching an improvement upon implementing user identification in a shared virtual space by issuing new identifiers for client/device pairings.

With respect to claims 16 and 33, Liversidge et al and Santos disclose the limitations previously addressed.

Liversidge et al and Santos fail to teach the inviting member assigning an endpoint designation that is unique within the collaboration system.

Goldberg et al teach the specified deficiencies (see col. 8, lines 1-5, "unique player identification code").

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Santos with the general concept illustrated by Goldberg et al, in order to successfully implement unique designations within virtual gaming lobby with the motivation previously addressed.

11.   Claims 34 is rejected under 35 USC 103 (a) as being unpatentable over Liversidge et al (US 2002/0076025) in view of Santos (US 2003/0158900) in view of Churchill et al (US 2002/0073163), further in view of Valencia (US 5,918,019).

With respect to claim 34, Liversidge et al and Santos fail to teach using a pseudo-random number generator to generate each designation.

Valencia teaches the specified deficiencies (see col. 10, lines 5-9, which discloses random number challenges for endpoint authentication).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Santos with the general concept illustrated by Valencia, in order to successfully create virtual space identification values with the motivation of providing the benefit of teaching an improvement upon conference conferee regulation by implementing access guidelines.

12.   Claims 38-40 are rejected under 35 USC 103 (a) as being unpatentable over
Liversidge et al (US 2002/0076025) in view of Lerner et al (US 6,192,395), further in
view of Churchill et al (US 2002/0073163).

Regarding claim 38, Liversidge et al disclose:

Receiving an invitation for the invited member to join the shared telespace, the
invitation being sent by an inviting member of the plurality of members having an
inviting member endpoint designation (see sec [0048] and fig. 25, which discloses
receiving an invitation from another team member for collaboration services); receiving
from a computer of the inviting member of the peer-to-peer collaboration system an
invited member endpoint designation for the invited member (see sec [0091], lines 3-9,
which discloses issuing a device identifier for a device of a user entering the
collaboration session), and transmitting change messages indicating changes to the shared
telespace, each change message comprising the invited member endpoint designation (see
sec [0105], lines 14-21, which discloses sending changes to other team members of the
collaboration including identifier information).

Liversidge et al fail to teach the invited member endpoint designation having a
hierarchical representation with a first portion identifying the inviting member endpoint
designation and a second portion identifying when the invited member was invited to join
the shared telespace relative to when the inviting member invited other members to join
the shared telespace.

Lerner et al teach specified deficiencies, including the invited member endpoint
designation having a hierarchical representation with a first portion identifying the

inviting member endpoint designation (see col. 2, lines 60-67, which discloses a privilege hierarchy for shared event participants and providing a visual identifier for each user).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al with the general concept illustrated by Lerner et al, in order to effectively establish identified initiators and invitees in a shared network with the motivation of providing the benefit of teaching an improvement upon identifying users in a shared space by issuing visual identifiers for users of different rankings and levels.

Liversidge et al and Lerner et al fail to teach a second portion identifying when the invited member was invited to join the shared telespace relative to when the inviting member invited other members to join the shared telespace.

Churchill et al teach the specified deficiencies (see sec [0025], lines 4-10, which discloses an identifier portion identifying the user invited to join the session and the time and date that the invitation was issued).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Lerner et al with the general concept illustrated by Churchill et al, in order to efficiently specify user identification for invited session members with the motivation of providing the benefit of teaching an improvement upon session participant identification by adding time indication data for invited participants.

Regarding claim 39, Liversidge et al teach wherein the second portion of the invited member endpoint designation comprises a sequence number generated by the

inviting member (see sec [0145], lines 9-13, which discloses that the client generates a message including the identifier of the invitee).

Regarding claim 40, Liversidge et al disclose:

Inviting a second invited member to join the telespace (see fig. 24); and providing to a computer of the second invited member a second invited member designation (see sec [0063], lines 2-6) and a first portion identifying the inviting member endpoint designation (see sec [0091], lines 3-7); (see sec [0105], lines 14-21, which discloses sending changes to other team members of the collaboration including identifier information).

Liversidge et al fail to teach the second invited member designation having a hierarchical representation, a second portion identifying when the invited member was invited to join the shared telespace relative to when the inviting member invited other members to join the telespace; and a third portion identifying when the second invited member was invited to join the shared telespace relative to when the invited member invited other members to join the telespace.

Lerner et al teach specified deficiencies, including the second invited member designation having a hierarchical representation (see col. 2, lines 60-67, which discloses a privilege hierarchy for shared event participants and providing a visual identifier for each user).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al with the general concept illustrated by Lerner et al, in order to effectively

establish identified initiators and invitees in a shared network with the motivation previously addressed.

Liversidge et al and Lerner et al fail to teach a second portion identifying when the invited member was invited to join the shared telespace relative to when the inviting member invited other members to join the telespace; and a third portion identifying when the second invited member was invited to join the shared telespace relative to when the invited member invited other members to join the telespace.

Churchill et al teach the specified deficiencies, including a second portion identifying when the invited member was invited to join the shared telespace relative to when the inviting member invited other members to join the telespace (see sec [0038], lines 2-7); and a third portion identifying when the second invited member was invited to join the shared telespace relative to when the invited member invited other members to join the telespace (see sec [0025], lines 4-10, which discloses an identifier portion identifying the user invited to join the session and the time and date that the invitation was issued).

It would have been obvious to one of ordinary skill in the art to combine Liversidge et al and Lerner et al with the general concept illustrated by Churchill et al, in order to efficiently specify user identification for invited session members with the motivation previously addressed.

13.   *Response to Arguments*

14. Applicant's arguments filed on 8/24/10 have been fully considered and are persuasive. Newly entered prior art has been applied

A.   In response to the applicant's argument that Ichimura (US 6,573,926) fail to teach or suggest at least two of the plurality of computers to independently assign unique designations to endpoints:

Applicant's argument has been taken into consideration; however, prior art reference Churchill et al has been cited to teach the specified deficiencies (see sec [0025], lines 4-10, which discloses an inviter issuing an invitee identifier identifying the user invited to the particular discussion).

B.   In response to the applicant's argument that Engstrom fails to teach or suggest members invited to join a telespace or a value indicative of the order in which the invited member was invited to join:

Applicant's argument has been considered; however, Santos has been cited, which teaches the specified deficiencies, including a value indicative of the order in which the invited member was invited by a respective inviting member to join the telespace (see sec [0028], lines 1-4, which discloses listing the invitees in port order).

C.   In response to the applicant's argument that neither Grossglauser et al (US 6,353,596) or Gubbi (US 6,480,506) teach or suggest an invited member endpoint having

a hierarchical representation or a second portion identifying when the invited member

was invited to join:

Applicant's argument has been considered; however, prior art reference

Lerner et al has been cited, which teaches the specified deficiencies, including the second

invited member designation having a hierarchical representation (see col. 2, lines 60-67,

which discloses a privilege hierarchy for shared event participants and providing a visual

identifier for each user).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Randy A. Scott whose telephone number is (571) 272-

3797. The examiner can normally be reached on Monday-Thursday 7:30 am-5:00 pm,

second Fridays 7:30 am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RANDY SCOTT/

Examiner, Art Unit 2453

20101105

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453